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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/723,591	11/28/2000	Robert P. Macaulay	NORC0008US(13469ROUS01U)	8528

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EXAMINER

SCHEIBEL, ROBERT C

ART UNIT	PAPER NUMBER
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2666

DATE MAILED: 08/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/723,591	MACAULAY ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Robert C. Scheibel	2666	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 28 November 2000.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claims **13, 21, 26, and 41** are objected to because of the following informalities:

- In lines 2-3 of claim 13, the phrase “between one of the first terminal and second terminal and another terminal that sent the call request” should be reworded to the following for clarity (changing the relative order of the 3 referenced terminals and numbering the third terminal as such) “between a third terminal that sent the call request and one of the first terminal and second terminal”.
- In lines 2-3 of claim 21, the phrase “between the one of the first and second terminals and another terminal that transmitted the call request” should be reworded to the following for clarity (changing the relative order of the 3 referenced terminals and numbering the third terminal as such) “between a third terminal that transmitted the call request and the one of the first and second terminals”.
- Claim 26 should end with a period.
- “a element” should be changed to “an element” in line 5 of claim 41.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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3. Claim **40** is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 40 recites the limitation "the router" in line 2. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims **1-3, 5-6, 8-9, 15-17, 23-27, 30-32, 36-39 and 41-42** are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 5,764,639 to Staples et al.

Regarding claim **1**, Staples discloses a method of controlling communications in a network, comprising: receiving a request to route signaling and traffic associated with a first terminal to a second terminal (receiving a virtual presence request disclosed in steps 522-526 of Figure 13); associating a logical identifier of the first terminal with the second terminal (issuing a command to the PBX server to initiate remote call forwarding; the association is established in the PBX in response to this command); receiving a call request specifying the logical identifier of the first terminal (step 582 in Figure 16 and lines 22-31 of column

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21); and sending an alert indication to the second terminal (step 590 of Figure 16).

Regarding claim **16**, Staples discloses an article (the "office" of Figure 1) comprising at least one storage medium containing instructions that when executed cause a controller to: receive a request to establish a first terminal as a clone of a second terminal (receiving a virtual presence request disclosed in steps 522-526 of Figure 13); receive a call request specifying the second terminal as a target (step 582 of Figure 16 and lines 22-31 of column 21); and route the call request to the first terminal (step 590 of Figure 16).

Regarding claim **23**, Staples discloses a system comprising: an interface to a network coupled to at least a first terminal and a second terminal (the interface of the PBX of figure 2); and a control module (the virtual presence server) adapted to, in response to a request from a first terminal (the virtual presence request disclosed in steps 522-526 of Figure 13), define the first terminal (the remote telephone) as a clone of a second terminal (the telephone on the corporate network).

Regarding claim **36**, Staples discloses a data signal embodied in a carrier wave and comprising instructions that when executed cause a system to: receive a request to route signaling and traffic associated with a first terminal to at least one other terminal (receiving a virtual presence request disclosed in steps 522-526 of Figure 13); associate a logical identifier of the first terminal with the at least one other terminal (issuing a command to the PBX server to initiate remote call forwarding; the association is established in the PBX in response to this

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command); receive a call request specifying the logical identifier of the first terminal (step 582 in Figure 16 and lines 22-31 of column 21); send an alert indication to the at least one other terminal (step 590 of Figure 16).

Regarding claim **37**, Staples discloses the limitations of clients sending a request for a terminal to clone as described in the rejection of the analogous limitations of the above claims. Claim 37 has a slightly different structure in that the request comes from multiple soft client modules executing on a control unit. This is anticipated by the branch office embodiment of Staples shown in Figures 4 and 5. The control unit is the branch office (BO) server 160 and it supports multiple users and thus inherently has multiple logical modules (soft client modules) corresponding to each of the users. It forwards the virtual presence requests of each of the users as discussed previously in this action and thus anticipates the limitations of claim 37.

Regarding claim **41**, Staples discloses a method of controlling communications in a network, comprising: receiving a request to establish a first terminal as a clone of a second terminal (receiving a virtual presence request disclosed in steps 522-526 of Figure 13); receiving an indication from the first terminal, the indication corresponding to activation of a element on the first terminal (step 562 of Figure 15); and processing the indication based on information associated with the second terminal (step 570 of Figure 15 and lines 58-63 of column 2).

Regarding claim **2**, Staples discloses the limitations that associating the logical identifier of the first terminal with the second terminal comprises

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associating a directory number of the first terminal with the second terminal (lines 11-13 of column 19 indicate that calls directed towards the directory number (extension) of the user at his home location are forwarded to the remote location, thus an association of the directory number of the first terminal with the second terminal is made in the PBX server).

Regarding claim 3, Staples discloses the limitation that associating the logical identifier comprises storing a table associating the logical identifier with identifiers of the first and second terminals (obvious to one of ordinary skill in the art to implement the association in the PBX server as a table).

Regarding claim 5, Staples discloses the limitation of receiving at least another request to route signaling and traffic of the first terminal to at least another terminal (the remote user is mobile and thus could move to another location and use another terminal at that location to request the virtual presence at that location).

Regarding claim 6, Staples discloses the limitation that receiving the request comprises receiving the request in a terminal proxy server (the virtual presence server is a terminal proxy server).

Regarding claim 8, Staples discloses the limitation that the route request comprises a request to override the first terminal with the second terminal (requesting the PBX to forward calls to the remote user overrides the phone physically located at the home office).



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Regarding claim **9**, Staples discloses the limitation that an alert indication is not sent to the overridden first terminal (when a call arrives for the extension of the user with remote presence, only the remote terminal is alerted).

Regarding claim **15**, Staples discloses the method of claim 1, further comprising: receiving an off-hook indication from the second terminal; and processing a call in response to the off-hook indication as if the second terminal is the first terminal (see lines 19-26 of column 18; this section teaches making the remote terminal appear as if it is physically present at the corporate office and indicates that the PBX exchanges control information as if the remote terminal were local).

Regarding claim **17**, Staples discloses the limitation that the instructions when executed cause the controller to further disable the second terminal (the second terminal is the phone in the office to which calls to the user's extension are normally routed and it is effectively disabled because all calls to that extension are routed directly to the remote terminal).

Regarding claim **24**, Staples discloses the limitation that the control module is adapted to receive a call request containing a logical identifier of the second terminal (step 582 in Figure 16 and lines 22-31 of column 21), the control module adapted to send an alert to the first terminal in response to the call request (step 590 of Figure 16).

Regarding claim **25**, Staples discloses the limitation that the logical identifier comprises a directory number (the extension of the home telephone is the directory number; see lines 11-13 of column 19).

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Regarding claim **26**, Staples discloses the system of claim 23, further comprising a switch module communicatively coupled to the control module (the PBX is the switch).

Regarding claim **27**, Staples discloses the limitation that the control module is adapted to receive a request from the first terminal to establish a call, and wherein the switch module is adapted to treat the request as a request from the second terminal (see lines 58-63 of column 2).

Regarding claim **30**, Staples discloses the limitation that the control module comprises a terminal proxy server (the virtual presence server is a terminal proxy server).

Regarding claim **31**, Staples discloses the system of claim 30, further comprising a storage unit containing information associating a directory number with the first and second terminals (the PBX must inherently have a storage unit which stores an association between the directory number and the terminals in order to perform the call forwarding).

Regarding claim **32**, Staples discloses the limitation that the control module is adapted to override the second terminal in response to the request (by forwarding a call to the extension directly to the remote user, the second terminal (the telephone on the corporate network) is overridden).

Regarding claim **38**, Staples discloses the limitation that each soft client module is adapted to receive an alert indication from the server corresponding to a call request received by the server for the terminal the soft client module is cloning in step 590 of Figure 16.

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Regarding claim **39**, Staples discloses the limitation of further comprising a router to select one of the soft client modules for communicating packets in a call session inherently in that the BO server must select the corresponding module to process data to and from a given user.

Regarding claim **42**, Staples discloses the limitation that receiving the indication comprises receiving an indication corresponding to activation of a button on the first terminal (see line 66 of column 20 through line 4 of column 21).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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8. Claims **4, 10-13, 18-22, 33-35 and 40** are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,764,639 to Staples et al in view of U.S. Patent 6,028,917 to Creamer et al.

Regarding claim **4**, Staples discloses the limitations of parent claim 3 as discussed in the rejection under 35 U.S.C. 102 (b) above. Staples does not disclose expressly the limitations of claim 4. Creamer discloses a method of providing extended telephone services over external networks (including the Internet). See the abstract and figure 1. As a specific example, see element 108 of Figure 7C whereby the subsystem 35 sends an alert to the user's computer over the Internet. Implicitly, this discloses the limitation that storing the table comprises storing a table associating the logical identifier with Internet Protocol addresses of the first and second terminals as the subsystem would have to have an association between the logical identifier with the IP address of the second terminal (the user's computer in this case) in order to route this alert properly. Staples and Creamer are analogous art because they are from the same field of endeavor of providing telecommunications services to remote users. At the time of the invention it would have been obvious to a person of ordinary skill in the art to modify Staples to add the methods of Creamer to allow the remote user to connect to the home network and establish a virtual presence using the internet. The motivation for doing so would have been to allow the user to access the extended services from anywhere in the world as suggested by Creamer in lines 9-17 of column 6. Therefore, it would have been obvious to

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combine Creamer with Staples for the benefit of accessing services from anywhere in the world to obtain the invention as specified in claim 4.

Regarding claims **10-13**, Staples discloses the limitations of parent claim 1 as discussed in the rejection under 35 U.S.C. 102 (b) above. Staples does not disclose expressly the limitations of claims 10-13. Creamer discloses a method of providing extended telephone services over external networks (including the Internet). For example, Creamer discloses in Figures 7a-7g providing extended call transfer over an external network such as the Internet. These figures disclose all the limitations of claims 10-13. Specifically, the limitation of claim 10 wherein the route request comprises a request to replicate the first terminal with the second terminal is disclosed in figure 7C; as shown in element 102, the base line as well as the remote terminal can remain active even after the call transfer has been set up. Thus, the first terminal is not overridden, but rather is replicated. Regarding claim 11, Creamer discloses the limitation of further comprising sending another alert indication to the first terminal in block 104 of Figure 7C. Regarding claim 12, Creamer discloses the limitation of further comprising receiving an answer indication from one of the first terminal and second terminal in lines 39-65 of column 13 which indicate that either the first terminal (on the base line) or the user's computer can accept the call. Regarding claim 13, Creamer discloses the limitation of the method further comprising establishing a call session between one of the first terminal and second terminal and another terminal that sent the call request in lines 39-65 of column 13; either of these terminals can answer the call. Staples and Creamer are analogous art

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because they are from the same field of endeavor of providing telecommunications services to remote users. At the time of the invention it would have been obvious to a person of ordinary skill in the art to modify Staples to add the methods of Creamer to allow the remote user to connect to the home network and establish a virtual presence using the internet. The motivation for doing so would have been to allow the user to access the extended services from anywhere in the world as suggested by Creamer in lines 9-17 of column 6. Therefore, it would have been obvious to combine Creamer with Staples for the benefit of accessing services from anywhere in the world to obtain the invention as specified in claims 10-13.

Regarding claims **18-22, 33-34 and 40**, Staples discloses the limitations of parent claims 16, 23, and 37 as discussed in the rejection under 35 U.S.C. 102 (b) above. Staples does not disclose expressly the limitations of claims 18-22. Creamer discloses a method of providing extended telephone services over external networks (including the Internet). For example, Creamer discloses in Figures 7a-7g providing extended call transfer over an external network such as the Internet. These figures disclose all the limitations of claims 18-22.

Regarding claims 18 and 33, Creamer discloses the limitation that the instructions when executed cause the controller to further set the first terminal as a replicate of the second terminal (and the similar limitation of claim 33) in figure 7C; as shown in element 102, the base line as well as the remote terminal can remain active even after the call transfer has been set up. Thus, the first terminal is not overridden, but rather is replicated. Regarding claim 19, Creamer

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discloses the limitation that the instructions when executed cause the controller to further route the call request to the second terminal in block 104 of Figure 7C. Regarding claim 20, Creamer discloses the limitation that the instructions when executed cause the controller to further receive an indication from one of the first and second terminals that the call request has been answered in lines 39-65 of column 13 which indicate that either the first terminal (on the base line) or the user's computer can accept the call. Regarding claim 21, Creamer discloses the limitation that the instructions when executed cause the controller to further establish a call session between the one of the first and second terminals and another terminal that transmitted the call request in lines 39-65 of column 13; either of these terminals can answer the call. Regarding claims 22 and 34, Creamer discloses in lines 24-26 of column 7 that the "web" is an example of an external network used to provide the remote user with the telephone services of the invention. It is well known that the web is a packet-based network using the Internet Protocol, thus disclosing the limitation of claims 22 and 34. Regarding claim 40, it is clear that IP would be used to communicate with the control device (BO server 160); it is well known in the art that IP distinguishes between multiple applications at the same address by using a port number. Regarding claim 35, Creamer suggests that the external network shown as the web in Figure 2 can also be a satellite radio network, for example, and thus discloses the limitation that the first terminal comprises a wireless terminal. Staples and Creamer are analogous art because they are from the same field of endeavor of providing telecommunications services to remote users. At the time of the invention it

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would have been obvious to a person of ordinary skill in the art to modify Staples to add the methods of Creamer to allow the remote user to connect to the home network and establish a virtual presence using the internet. The motivation for doing so would have been to allow the user to access the extended services from anywhere in the world as suggested by Creamer in lines 9-17 of column 6.

Therefore, it would have been obvious to combine Creamer with Staples for the benefit of accessing services from anywhere in the world to obtain the invention as specified in claims 10-13.

9. Claims **7 and 28-29** rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,764,639 to Staples et al in view of U.S. Patent 6,028,917 to Creamer et al as applied to claims 6 and 26 above, and further in view of Applicant's Admitted Prior Art (AAPA).

Regarding claims **7 and 28-29**, Staples and Creamer disclose the limitations of parent claim 6 and 26 as discussed in the rejection above. Staples and Creamer do not disclose expressly the limitations of claim 7.

AAPA discloses that with packet-based network telephony (which Staples as modified by Creamer above uses), telephones are typically connected to systems using a terminal proxy server (TPS) which reserve logical ports for the telephony clients (see lines 18-25 of page 2). Given this typical architecture, it would have been obvious to one of ordinary skill in the art to use the logical ports reserved for each of the terminals discussed above (the home and remote terminals) to form the association required to forward information addressed to the home terminal to the remote terminal. Thus the limitation of claim 7 that the



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terminal proxy server communicates with a switch module having plural logical ports, the method further comprising the terminal proxy server associating a logical port of the first terminal with the second terminal is obvious in view of this teaching. Similarly, the limitations of claims 28 (the switch module is associated with plural logical ports, the control module adapted to select one of the logical ports for communicating signaling of the first terminal) and 29 (the selected logical port comprises a logical port assigned to the second terminal) are obvious in view of this teaching. The motivation for doing so would have been to simplify the implementation by providing a consistent representation (using ports in both cases) of the associations for those remote terminals connected to the switch from a PSTN location and having a physical port assigned and for those remote terminals connected via an external network. Therefore, it would have been obvious to combine the teachings of AAPA regarding TPSs with Staples, as modified, for the benefit of simplified implementation to obtain the invention as specified in claims 7, 28, and 29.

10. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,764,639 to Staples et al in view of U.S. Patent 6,028,917 to Creamer et al as applied to claim 10 above, and further in view of U.S. Patent 6,449,483 to Akhteruzzaman et al.

Staples and Creamer disclose all the limitations of claim 10 as described in the rejection above. Staples and Creamer do not disclose expressly the limitation of claim 14 of multicasting the alert indications to the first and second terminals. Akhteruzzaman discloses a method of using a single telephone

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number for a group of subscribers (see abstract). In steps 304-306 of Figure 3, Akhteruzzaman discloses sending multiple alerts simultaneously to these multiple subscribers. This discloses the limitation of multicasting the alert to the first and second terminals as specified in claim 10. Staples, as modified, and Akhteruzzaman are analogous art because they are from same field of endeavor of telecommunications systems. At the time of the invention it would have been obvious to a person of ordinary skill in the art to modify Staples and Creamer to alert both the home and the remote terminals when an incoming call arrives. The motivation for doing so would have been to allow the call to be answered by any one of a number of people (a person co-located with the home terminal or a person co-located with the remote terminal). Therefore, it would have been obvious to combine Akhteruzzaman with Staples and Creamer for the benefit of allowing one of a number of subscribers to answer the call to obtain the invention as specified in claim 14.

### ***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patents 6,359,892, 5,577,110, 6,636,587, 6,466,662, 6,144,671, and 6,381,320 all disclose methods very similar to the claimed invention. Note that at least U.S. Patents 5,577,110 and 6,381,320 completely anticipate the limitations of all the independent claims and a number of the dependent claims. Amendments to the claims should take the above references into account to distinguish the present invention from the prior art of record.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert C. Scheibel whose telephone number is 703-305-9062. The examiner can normally be reached on Monday-Friday from 6:30-3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema S. Rao can be reached on 703-308-5463. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*RCS 8-20-09*

Robert C. Scheibel  
Examiner  
Art Unit 2666

*DM*

DANGLTON  
PRIMARY EXAMINER